THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.15567 of 2006

31.7.2006

Between:

C.Krishna Reddy, S/o.Ranga Reddy
And others

… Petitioners

AND

Inams Deputy Tahsildar, FAC, Collectors Office, Chittoor.

… Respondent

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WRIT PETITION No.15567 of 2006

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ORDER:

The petitioners, who are nine in number, filed applications before the respondent under Section 7(1) of A.P. (Andhra Area) Inams (Abolition and Conversion Into Ryotwari) Act, 1956 (the Act, for brevity) in March 2002. The petitioners claim that they have been in possession in various extents of lands in survey Nos.252 to 258 of Thiruchanuru Village of Tirupathi Rural Mandal in Chittoor District, having got the property of Swami Hathiramji Mutt, Tirupathi. They also allege that after publication of notification under Section 3(1) of the Act, survey was conducted under A.P. Survey and Boundaries Act, 1923 and Field Measurement Book was prepared, and the result of the survey was entered in the land register. The petitioners assert that they have allegedly claimed pattas under the Act. The respondent however issued endorsement dated 18.11.2005 rejecting the claim of the petitioners either on the ground that the patta was already granted in respect of the land claimed or on the ground that there was no subdivision of the land claimed by the petitioners. These orders were passed about a year ago. The petitioners approached this Court filing this writ petition in the last week of July 2006.

When the matters were called for preliminary hearing on 27.7.2006, this Court directed the learned Assistant Government Pleader for Revenue (General) to get instructions in the matter. In obedience thereto, learned Assistant Government Pleader obtained instructions and opposed the writ petition. As a foremost submission, he relies on subsection (2) of Section 7 of the Act, which confers a right of appeal, to a person whose claim is rejected, to Revenue Divisional Officer (RDO) having jurisdiction over the matter. Secondly, he would urge that grant of patta in respect of the land for various survey numbers, which the petitioners claim, is now concluded by judgment of this Court and that proper enquiry was conducted by the respondent before rejecting the claim.

There is a dispute as to whether the petitioners, who are allegedly occupants, were issued notices in Form-V under Section

3(5) of the Act and whether there was proper survey of the inam land pursuant to the notification under Section 3(1) of the Act issued by the Tahsildar. There is also a dispute regarding the nature of the possession of the petitioners and rival claim thereto. The petitioners allege that the respondent did not conduct enquiry as contemplated under the Act and A.P. (Andhra Area) Inams (Abolition and Conversion into Ryotwari) Rules, 1957, which is denied. In this background, this Court is of the considered opinion that the petitioners be given liberty to file appeals under Section 7(2) of the Act before the RDO, Tirupathi. Though the time prescribed for filing of appeal is sixty (60) days, having regard to the peculiar nature of the case, this Court is of considered opinion that the RDO may entertain the appeals and pass appropriate orders after verifying the records and after giving opportunity to the petitioners as well as to those persons, who claimed to have been given pattas. The RDO may dispose of the appeals on merits, after conducting such enquiry, within a period of eight weeks from the date of filing of the appeals. The petitioners are given a week's time for filing appeals.

The writ petition, with the above observations and directions, is disposed of. No costs.

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(**V.V.S.RAO, J**)

July 31, 2006.

NOTE:

Issue order copy by

01.8.2006.

(By order)

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